

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KARLA ALLSBERRY, et al.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:19-cv-02366-SNLJ
)	
JUDGE PATRICK S. FLYNN, et al.,)	
)	
Defendants.)	

**NOTICE OF FILING OF STATE COURT ACTION
CONCERNING OR RELATING TO PLAINTIFF KARLA ALLSBERRY'S
MOTION FOR TEMPORARY RESTRAINING ORDER**

Defendant the Honorable Patrick S. Flynn, the 45th Judicial Circuit Presiding Judge (Judge Flynn), by and through his undersigned attorneys, submits this Notice of Filing of State Court Action Concerning or Relating to Plaintiff Karla Allsberry's (Allsberry) Motion for Temporary Restraining Order (TRO) (ECF No. 5).

1. This matter is set for a hearing on Allsberry's TRO motion on October 3, 2019, at 10:45 a.m.

2. On May 28, 2019, Judge Flynn, acting in accordance with Missouri Revised Statute §§ 478.240 and 483.107.1, placed Allsberry on administrative leave, with full pay and benefits, and suspended her access to the Justice Center.

3. On June 12, 2019, Judge Flynn, having become personally aware that Allsberry had committed acts rising to the level of a "misdemeanor in office" and as required by Missouri Revised Statute § 483.170.1, reported these acts to the Missouri Attorney

General's Office (MAGO). The MAGO referred the matter to the State Auditor which is currently reviewing and investigating the allegations.

4. In her TRO motion (ECF No. 5), Allsberry seeks, effectively, to be “unsuspended” and to be restored to her office and duties. Among Allsberry’s arguments is that §483.170.1 is inapplicable because no “criminal charges” have been filed against her. (ECF No. 4, ¶¶105 and 106). Moreover, Allsberry argues that §478.240 also does not authorize Judge Flynn to suspend her. (ECF No. 6, pgs. 2-5). Allsberry specifically pleaded that she “does not have an adequate remedy at law...and without injunctive relief, she will remain on indefinite leave for her four-year term of office.” (ECF No. 4, ¶187).

5. Recently,¹ however, in Cole County Circuit Court, State of Missouri, *Allsberry v. Ohmer*, Case No. 19AC-CC00224, Allsberry filed an amended complaint which includes, *inter alia*, claims that Judge Flynn “illegally” placed Allsberry on administrative leave and barred her access to the Justice Center in violation of §§478.240 and 483.107.1. (Exh. A attached hereto, pgs. 23-33 and in particular ¶¶137-149 and ¶¶168-170). Allsberry asks the state court to grant her “an immediate order declaring the administrative suspension, bar of access...and removal of authority and duties...from Plaintiff by Defendant Flynn on May 28, 2019 are illegal acts under Missouri law.” (*Id.*, pg. 33).

¹ The First Amended Complaint filed by Allsberry in her state court action shows that it was filed on September 10, 2019; however, that is the date that Allsberry filed her motion for leave to file her amended complaint. Leave was not granted by the Cole County Circuit Court until September 23, 2019. Undersigned counsel for Judge Flynn did not receive a copy of the amended complaint by state’s electronic filing system until September 27, 2019 with the filing “backdated” to September 10, 2019. See, Exh. B. Undersigned counsel did not have a chance to review the amended complaint, consisting of 41 pages and containing 206 paragraphs of allegations, until October 1, 2019.

6. Judge Flynn brings the filing of Allsberry's First Amended Complaint, (Exh. A), in her state court action to the attention of this Court because it bears on the factors this Court should consider in deciding Allsberry's TRO motion and other issues in this case.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of October, 2019, the foregoing was filed electronically via the Court's electronic filing system and was served by operation of the CM-ECF system on all counsel of record.

/s/ John W. Taylor

Assistant Attorney General